

CITY BOARD OF ZONING APPEAL #2355

DATE: July 16, 2003

SCHEDULED FOR PUBLIC HEARING: July 25, 2003

LOCATION: N. 56th and south of Holdrege Street

ADDRESS: 1200 N. 56th Street

LEGAL DESCRIPTION: Lot 241 I.T., NW 1/4 of Section 21 T10N R7E.

APPLICANT: Tim Loseke
1200 N. 56th Street
(402)560-6747

LOT AREA: 4 acres, more or less.

ZONING: R-2, Residential.

EXISTING LAND USE: Private school.

SURROUNDING LAND USE AND ZONING:

North:	Residential apartments	R-3, Residential
South:	Lincoln Lutheran Private School	R-2, Residential
East:	Undeveloped	R-2
West:	Residential single family	R-2

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

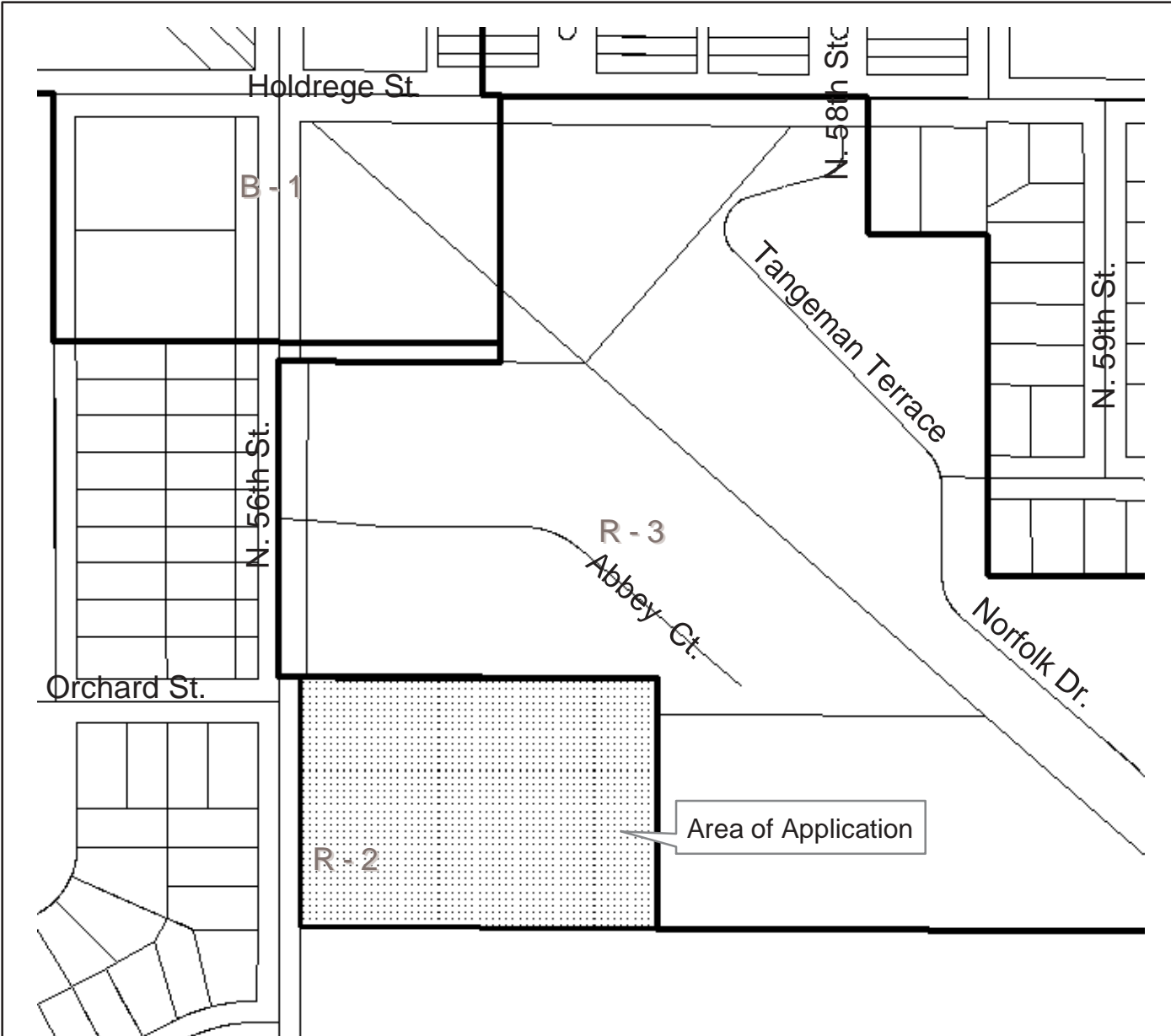
Section 27.69.090(c) , L.M.C. requires a sign to be setback from the side lot line at least 100 feet if abutting residential lots. A variance from 100' to 70' is requested.

STAFF FINDINGS:

1. Section 26.69.090 states: "In any zoning district, churches and schools are permitted one on-premises internally illuminated ground sign on each street frontage, not exceeding fifty square feet of area or six feet in height, for each bulletin board or sign and its supporting structure, and one on-premises wall sign on each building facade, not exceeding twenty square feet in sign area. When a school or church is located a minimum of 200 feet from any street frontage and is located in an AG or AGR district, said wall sign shall be a maximum of 100 square feet in area. A permitted ground sign may be located in the required front yard if it meets the following conditions and requirements:
 - (a) Signs may contain a maximum of fifty square feet in sign area if non-illuminated. If illuminated, such sign shall contain a maximum of thirty-two square feet in sign area, and shall be internally illuminated only;
 - (b) Has a setback from the front lot line at least one-half the distance of the required front yard;
 - (c) Has a setback from the side lot line at least 100 feet if abutting residential lots; and
 - (d) One temporary sign of up to thirty-two square feet may be allowed on premises for up to ten days."
2. This is a request to vary the required side yard setback when a sign is adjacent to a residential district.

3. The applicant indicated that there is minimal front yard space on this property and the only remaining location for the sign is in the required side yard setback of 100'. The sign is proposed to be located 70' from the north property line.
4. The church may have a ground sign outside the front yard setback at the same distance from the north property line and not need a variance.
5. It appears that there is a potential location for the sign on the south side of the northern drive where the sign is proposed. This location meets the 100' side yard setback requirement §27.69.090(c).
6. The existing circulation allows vehicles to enter at the southernmost drive, and allows exit only from the northernmost drive. The sign is proposed for the northernmost drive which is exit only.
7. There appears to be adequate space for the sign to be placed on the north side of the southernmost drive where the school entrance is located, however, this location would still required a variance of the required setback from a residential lot to the south. This appears to be a more logical location for the sign because people may be confused when the sign is located at an exit only drive. Additionally, the impact on any residential use would be minimized if the sign is placed on the southern portion of the lot.
8. The ordinance specifies that the side yard setback is only required when abutting a residential lot. The private school to the south is not a residential use, however it is located on a residential lot. Because the ordinance is written to indicate a residential lot, there would still need to be a variance if the sign is located closer than 100 feet to the southern lot on which Lincoln Lutheran is located. The intent of the ordinance is to protect residential uses, and may be an unusual circumstance because most residential lots are occupied by single, two or multi-family structures. This unusual circumstance only applies if the sign is along the south side of the lot, adjacent Lincoln Lutheran.
9. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
10. If this appeal were not granted, the owners could erect a sign outside the front yard setback without necessitating a variance.

Prepared by:
Becky Horner
Planner

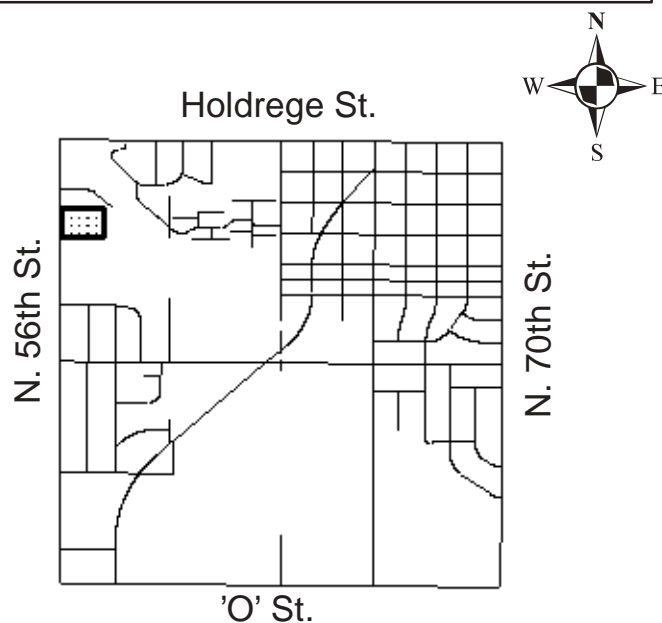
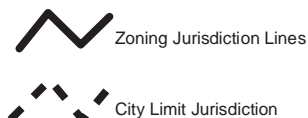


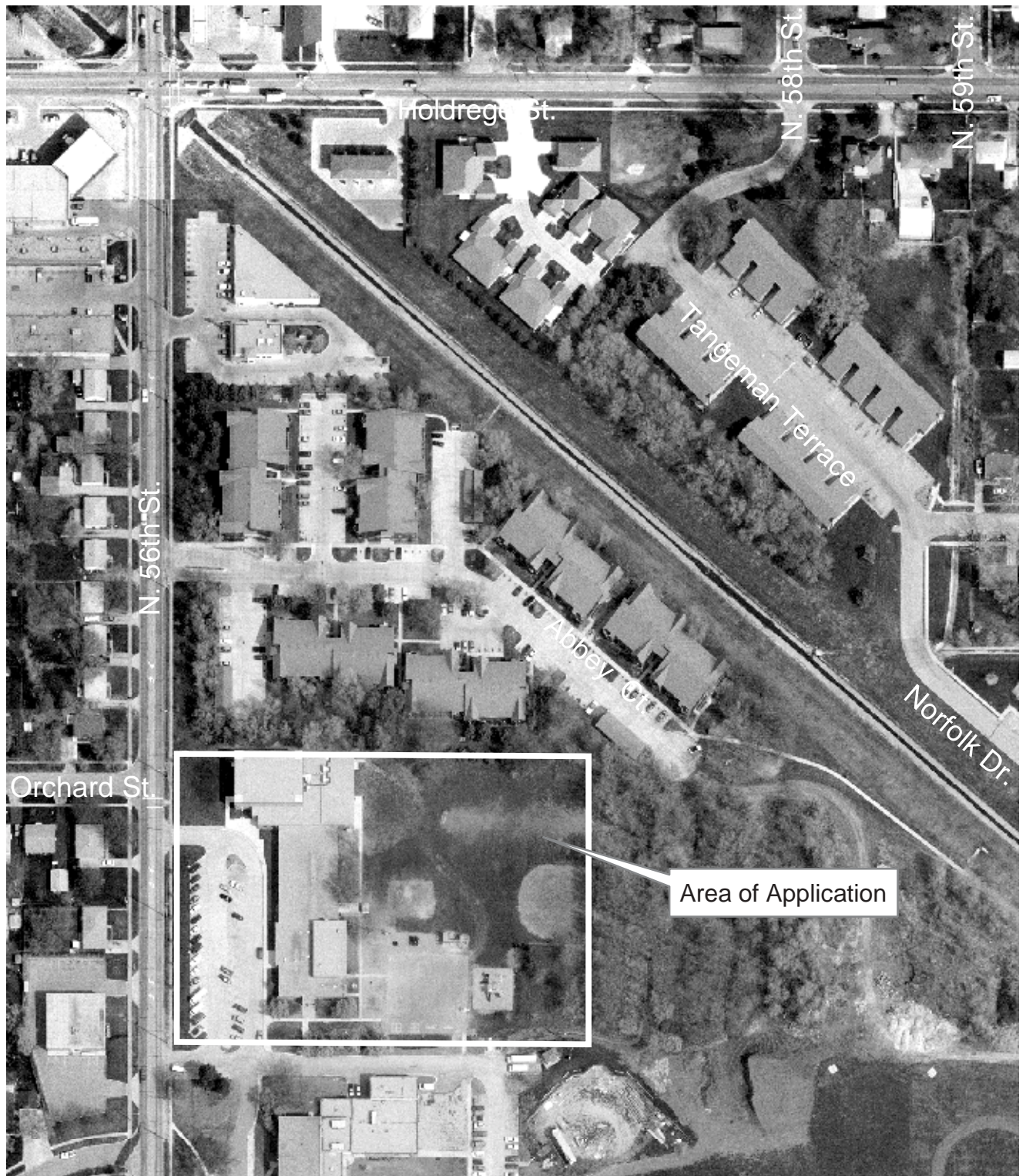
Board of Zoning Appeals #2355 N. 56th & Holdrege St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R7E





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